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16 UNITED STATES DISTRICT COURT

17 EASTERN DISTRICT OF CALIFORNIA

18 SCOTT WOOD, CHARLES W. JUDSON,)
19 WILLIAM BATES, SYBILLE GROTE,)
20 MARTIN REEVES, ERNEST STEWART,)
21 STEVE FORSYTHE, ROBERT BADILLA,)
22 BRIAN THOMPSON, KARVIN)
23 TILANDER, CHARLES ("CHUCK"))
24 JENNINGS, LORENZO RAMIEREZ and)
25 MINDY GABRIEL on behalf of themselves)
and all others similarly situated,)

Plaintiffs,

v.

GRANITE CONSTRUCTION COMPANY)
and FEDERAL INSURANCE COMPANY)

Defendants.)

Case No.: S-03-2592 DFL PAN

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF SETTLEMENT**

Date: June 29, 2006
Time: 1:30 p.m.
Place: Courtroom 7
Judge: David Levi

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1 SCOTT WOOD, CHARLES W. JUDSON,) Related Case No. S-03-2514-DFL-PAN
2 WILLIAM BATES, SYBILLE GROTE,)
3 MARTIN REEVES, ERNEST STEWART,)
4 STEVE FORSYTHE, ROBERT BADILLA,)
5 BRIAN THOMPSON, KARVIN TILANDER)
6 and CHUCK JENNINGS, on behalf of)
7 themselves and all others similarly situated,)
8
9 Plaintiffs,)
10 v.)
11 VALENTINE SURFACING, TRAVELERS)
12 CASUALTY AND SURETY COMPANY)
13 OF AMERICA and UNITED PACIFIC)
14 INSURANCE COMPANY,)
15
16 Defendants)
17

18 **[PROPOSED] ORDER GRANTING THE FINAL APPROVAL OF SETTLEMENT**

19 The joint motion of the Settling Parties for an order approving a class action settlement
20 hearing came on for hearing on June 29, 2006. The Court has considered the Settlement
21 Agreement, the submissions of counsel, and all other papers filed in this action. The matter
22 having been submitted and good cause appearing therefore:

23 The Court finds as follows:

24 1. All defined terms contained herein shall have the same meanings as set forth in
25 the Stipulation Re: Settlement of Class Action executed by the Settling Parties and filed with
this Court (hereafter the "Settlement Agreement");

2. The Class Representatives and Granite Construction Company, through their
counsel of record in the litigation, have reached an agreement to settle all claims in the litigation;

3. The Court conditionally finds that, for the purposes of approving this Settlement
Agreement only and for no other purpose and with no other effect on the litigation, including no
effect on the litigation should the Settlement Agreement not ultimately be approved or should
the Effective Date not occur, the proposed Class meets the requirements for certification under

1 Rule 23 of the Federal Rules of Civil Procedure in that: (a) the proposed Class is ascertainable
2 and so numerous that joinder of all members of the class is impracticable; (b) there are questions
3 of law or fact common to the proposed Class, and there is a well defined community of interest
4 among members of the proposed Class with respect to the subject matter of the litigation; (c) the
5 claims of the Class Representatives are typical of the claims of the members of the proposed
6 Class; (d) the Class Representatives will fairly and adequately protect the interests of the
7 Members of the Class; (e) a class action is superior to other available methods for an efficient
8 adjudication of this controversy; and (f) the counsel of record for the Class Representatives are
9 qualified to serve as counsel for the Class Representatives in their own capacities as well as their
10 representatives capacities and for the Class;

11 4. The moving parties have presented to the Court for review the Settlement
12 Agreement. The Settlement Agreement is within the range of reasonableness and meets the
13 requirements for preliminary approval; and

14 5. The moving parties have also presented to the Court for review a plan to provide
15 notice to the proposed Class of the terms of the settlement and the options facing the Class
16 including, *inter alia*: to opt out of the class action, to be represented by counsel of their
17 choosing, to remain in the Settlement Class, and /or to be a Participating Claimant. The notice
18 will be mailed to all Class members at their last known addresses. The notice plan proposed by
19 the Settling Parties is the best practical under the circumstances.

20 Good cause appearing thereto, IT IS HEREBY ORDERED that:

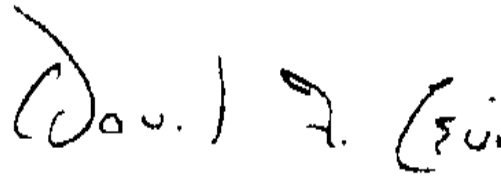
21 1. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Settlement is
22 approved;

23 2. Notice of the proposed settlement, and the rights of Class Members to opt out of
24 the settlement or become a Participating Claimant, shall be given by mailing of the Notice to
25 Class Regarding the Approval of the Proposed Settlement Agreement by first class, postage

1 prepaid, to all Class Members pursuant to the applicable provisions in the Settlement
2 Agreement.

3 IT IS SO ORDERED.

4 DATED: 6/29/2006

A handwritten signature in black ink, appearing to read "David F. Levi". The signature is written in a cursive, somewhat stylized font.

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6 DAVID F. LEVI
Chief United States District Judge